

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

DOMINIQUE CURRY,)
)
Plaintiff,)
)
v.) **No. 11-2913**
)
AEROTEK, INC.,)
)
Defendant.)

ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Before the Court is Defendant Aerotek, Inc.'s ("Aerotek") December 3, 2012 Motion to Dismiss or in the alternative, Motion for Summary Judgment, (ECF No. 24), and Magistrate Judge Charmiane G. Claxton's May 23, 2013 Report and Recommendation, (Report, ECF No. 41). Plaintiff Dominique Curry ("Curry") has not objected and the time to do so has passed. See 28 U.S.C. § 636(b)(1)(C) ("Within fourteen days after being served with a copy [of the Magistrate Judge's Report], any party may serve and file written objections to such proposed findings and recommendations as provided by rules of the court.").

Magistrate Judge Claxton recommends that Aerotek's Motion be converted to a Motion for Summary Judgment pursuant to Federal Rule of Civil Procedure 12(d) and that the Motion for Summary Judgment be granted. (Report, p. 1.) For the following

reasons, the Court ADOPTS Magistrate Judge Claxton's Report.

Aerotek's Motion for Summary Judgment is GRANTED.

Congress intended 28 U.S.C. § 636 to relieve the burden on the federal judiciary by permitting the assignment of district court duties to magistrate judges. See United States v. Curtis, 237 F.3d 598, 602 (6th Cir. 2001) (citing Gomez v. United States, 490 U.S. 858, 869-70 (1989)); see also Baker v. Peterson, 67 F. App'x 308, 310 (6th Cir. 2003). "A district judge must determine de novo any part of a magistrate judge's disposition that has been properly objected to." Fed. R. Civ. P. 72(b); 28 U.S.C. § 636(b)(1)(C). After reviewing the evidence, the court is free to accept, reject, or modify the proposed findings or recommendations of the magistrate judge. 28 U.S.C. § 636(b)(1)(C). The district court is not required to review—under a de novo or any other standard—those aspects of the report and recommendation to which no objection is made. Thomas v. Arn, 474 U.S. 140, 150 (1985). The district court should adopt the findings and rulings of the magistrate judge to which no specific objection is filed. Id. at 151.

Curry has not objected to Magistrate Judge Claxton's Report. The deadline for objecting, which was explicitly referenced in the Report, has passed. (Report, p. 13.) Because Curry failed to object, Arn counsels the Court to adopt the Report in its entirety. 474 U.S. at 151. Adopting the Report is

consistent with the policies underlying § 636, specifically promoting judicial economy and protecting against the "functions of the district court [being] effectively duplicated as both the magistrate and the district court perform identical tasks."

Howard v. Sec'y of Health & Human Servs., 932 F.2d 505, 509 (6th Cir. 1991).

For the foregoing reasons, the Report is ADOPTED and Aerotek's Motion for Summary Judgment is GRANTED.

So ordered this 18th day of June, 2013.

s/ Samuel H. Mays, Jr.
SAMUEL H. MAYS, JR.
UNITED STATES DISTRICT JUDGE